

Application No.: 10/671,022
Attorney Docket No.: 72167.000461

REMARKS

Claims 1-21 are pending in this application. By this amendment, claims 1, 7, 13, 19 and 21 are amended. Reconsideration and allowance in view of the following remarks are respectfully requested.

No new matter has been added by this amendment. Support for the present amendments to the claims may be found in the application on paragraphs [0032] and [0043], for example (with reference to the paragraph numbering of the published parent application 2004/0230441). Claim 1, 7, 13, 19 and 21 are amended to further set forth novel features of Applicant's claimed invention.

The Status of Claims 15-18

The Office Action reflects that claims 15-18 are pending. However, the Office Action does not reflect the status of such claims. As was also requested in Applicant's prior response, confirmation of the status of claims 15-18 is respectfully requested.

A. The 35 U.S.C. 102 Rejection Based on Silva

In the Office Action, claims 1, 5-7, 11, 12, 19 and 20 are rejected under 35 U.S. C. 102(e) as being anticipated by U.S. Patent Application Publication 2002/0054090 by Silva et al. (Silva). The Office Action has been fully considered. The rejection is believed to be moot by this Amendment.

The features of Silva are described in Applicant's prior responses. On page 13 of the Office Action, in response to Applicant's prior response, the Office Action asserts that

"While some of the teachings are related to insuring the extracted expressions are robust, Silva admits that certain changes to the page structure can cause errors (Paragraph 43). When such situation occurs, the stored structure expressed in Xpath extract will result in an error when compared to the current page structure, as either the object could not be located within the structure or the result of the comparison returns nothing. In these cases, the retrieved content is not incorporated, and instead, an error

Application No.: 10/671,022
Attorney Docket No.: 72167.000461

notification in some form is displayed. The examiner considers this to be within the scope of the comparing and incorporating claim limitations."

However, based on Applicant's review of the teachings of Silva, Applicant submits that Silva does not disclose the particulars of claim 1, as amended. In particular, Silva fails to teach "performing processing to ensure that the structure of the retrieved content has retained integrity." In contrast, as described previously, Silva teaches that the extraction expressions are made robust to changes to Web pages, such that components may be extracted "even if the node positions happen to change." Silva, paragraph 42.

Also, Silva's teachings in paragraph 0041 fail to teach such claimed features as recited in claim 1. Silva teaches that "since Web pages may change between the time of creation and execution of a Web view, the system uses techniques to ensure ... that the correct fragments are extracted --even when the underlying pages are modified." Therefore, Silva does not teach the recited claim feature.

Accordingly, it is respectfully submitted that claim 1 defines patentable subject matter for at least the reasons set forth above.

With respect to claim 7, Applicant submits that Silva does not teach the claimed features as recited in claim 7. In particular, claim 7, as amended, recites:

incorporating the retrieved different content on the web page **by utilizing a nested web page** only if the structure of the retrieved different content matches the stored structure.

Applicants respectfully submits that Silva fails to teach or suggest the claimed manner of using a nested web page that the retrieved content is incorporated on the web page.

Independent claim 19 defines patentable subject matter for reasons similar to those set forth above with regard to claim 7.

Application No.: 10/671,022
Attorney Docker No.: 72167.000461

Further, the various dependent claims define patentable subject matter based on their various dependencies on the independent claims 1, 7, and 19, respectively, as well as the additional features such dependent claims recite. Withdrawal of the rejection under 35 U.S.C. §102 is respectfully requested.

B. The 35 U.S.C. 103 Rejections

In the Office Action, claims 2-4 and 8-10 are rejected under 35 U.S.C. 103 as being unpatentable over Silva in view of U.S. Patent 5,784,058 by LaStrange et al. (LaStrange). Claims 13, 14 and 21 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Silva in view of U.S. Patent Application Publication 2005/0021862 by Schroeder et al. (Schroeder). These rejections are respectfully traversed.

Claims 2-4 are dependent claims off claim 1 and claims 8-10 are dependent claims off claim 7, respectively. Applicant respectfully submits that Silva does not teach or suggest such features as recited in claim 1 and 7, and that even if it would have been obvious to modify Silva based on LaStrange as proposed in the Office Action, which is not admitted, such modified Silva would still fail to teach or suggest the features of the claimed invention for the reason set forth above with respect to claims 1 and 7, respectively. That is, the proposed modifications of Silva fail to cure the deficiencies of Silva as set forth above.

Further, independent claims 13 and 21 recite patentable subject matter not taught by the applied art, either alone or in combination. That is, independent claims 13 and 21 recite features associated with the "performing processing to ensure the structure of the retrieved content has retained integrity" as recited in claim 1 and "incorporating the retrieved different content on the web page by utilizing a nested web page" as recited in claim 7. Applicant respectfully submits that Silva does not teach or suggest such features, and that the applied art to Schroeder fails to

Application No.: 10/671,022
Attorney Docket No.: 72167.000461

cure the deficiencies of Silva. That is, the proposed modification of Silva (based on Schroeder as proposed in the Office Action) either is unsupported by the applied art for the reasons discussed above and/or does not cure the deficiencies of Silva as discussed above.

Dependent claim 14 recites patentable subject matter for at least the reasons set forth above with respect to the independent claim 13, as well as the additional features such dependent claim recites.

For the reasons discussed above, Applicant respectfully submits that the prior art, either alone or in combination, fails to teach or suggest the features of the claimed invention.

Reconsideration and withdrawal of the rejection under 35 U.S.C. §103 is respectfully requested.

C. Conclusion

For at least the reasons outlined above, Applicant respectfully asserts that the application is in condition for allowance. Favorable reconsideration and allowance of the claims are respectfully solicited.

For any fees due in connection with filing this Response the Commissioner is hereby authorized to charge the undersigned's Deposit Account No. 50-0206.

Application No.: 10/671,022
Attorney Docket No.: 72167.000461

Should the Examiner believe anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,

HUNTON & WILLIAMS LLP

Dated: 10/17/07

By: 

James R. Miner
Registration No. 40,444

Hunton & Williams LLP
Intellectual Property Department
1900 K Street, N.W.
Suite 1200
Washington, DC 20006
(202) 955-1500 (telephone)
(202) 778-2201 (facsimile)